



1300 NORTH 17th STREET, 11th FLOOR  
ARLINGTON, VIRGINIA 22209

OFFICE: (703) 812-0400  
FAX: (703) 812-0486  
www.fhhlaw.com  
www.commlawblog.com

September 24, 2018

**VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: *In re Iowa Network Access Division Tariff F.C.C. No. 1*  
WC Docket No. 18-60, Transmittal No. 36.  
Notice of Tariff Filing and Request for Confidential Transmittal of Data  
Submitted with Tariff Transmittal No. 38**

Dear Ms. Dortch:

On behalf of Iowa Network Services, Inc. d/a/b Aureon Network Services (“Aureon”), this letter provides notice that Aureon has filed Transmittal No. 38 for Iowa Network Access Division (“INAD”) Tariff F.C.C. No. 1, Access Services, in compliance with the FCC’s July 31, 2018 *Rate Order*.<sup>1</sup> On March 26, 2018, the FCC entered a *Protective Order* covering confidential materials submitted in the *Rate Order* proceeding.<sup>2</sup> Because the tariff submission is a compliance filing required by the *Rate Order*, pursuant to the terms of the *Protective Order*, Aureon has designated certain information in its filing as confidential. A public version of Aureon’s tariff filing, including accompanying cost and traffic studies, is being filed via ETFS, with summary circuit inventory data removed from that filing. A separate spreadsheet containing detailed circuit inventory data will be filed confidentially via ETFS; however, no public version of that spreadsheet will be made available through ETFS. Aureon’s tariff filing will not be submitted with this notice. A public version of Aureon’s tariff filing is available via ETFS.

Pursuant to Sections 0.457 and 0.459 of the Commission’s Rules, 47 C.F.R. §§ 0.457, 0.459, and the *Protective Order*, Aureon requests confidential treatment of the information

---

<sup>1</sup> *In the Matter of Iowa Network Access Division Tariff F.C.C. No. 1*, Memorandum Opinion and Order, WC Docket No. 18-60, FCC 18-105 (rel. July 31, 2018) (“*Rate Order*”).

<sup>2</sup> *In re Iowa Network Access Division Tariff F.C.C. No. 1*, Protective Order, WC Docket No. 18-60, Transmittal No. 36, DA 18-294, (rel. Mar. 26, 2018) (“*Protective Order*”).

required to be submitted by the *Rate Order*. In support of this request, and pursuant to Section 0.459(b) of the Commission's rules, 47 C.F.R. § 0.459(b), Aureon hereby states as follows:

**1. Identification of the specific information for which confidential treatment is sought.**

Pursuant to the *Protective Order*, Aureon seeks confidential treatment of Aureon's circuit inventory data filed in native Excel spreadsheets via ETFS. Specifically, Aureon seeks confidential treatment for (1) the fully circuit inventory data filed in Excel format with Tariff Transmittal No. 38, and (2) the summary of Aureon's circuit inventory filed with its cost support Excel spreadsheet contained in the tab labeled "CCT inventory and Allocations" ("Confidential Information"). The Confidential Information relates to Aureon's internal network that is not generally available to the public. Files that contain Confidential Information contains the word "Confidential" in the file name.

**2. Description of circumstances giving rise to the submission.**

The Confidential Information is being provided as directed by the Commission in the *Rate Order*. The FCC has issued a *Protective Order* preventing the disclosure of that information publicly.

**3. Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.**

The information for which Aureon seeks confidential treatment contains sensitive commercial information of Aureon that would customarily be guarded from competitors. Pursuant to the *Protective Order*, Aureon seeks to protect the confidentiality of Confidential Information submitted in compliance with the *Rate Order*.

**4. Explanation of the degree to which the information concerns a service that is subject to competition.**

The Confidential Information submitted in this proceeding contains information relating to commercial matters, including highly sensitive network information, that could be used by competitors to Aureon's disadvantage. Services provided by Aureon are subject to competition.

**5. Explanation of how disclosure of the information could result in substantial competitive harm.**

Competitors could use Aureon's proprietary commercial and operational information to Aureon's detriment as competitors would gain access to sensitive information about the company's network to enable competitors to target areas where Aureon's facilities are less robust. Such information would result in substantial competitive harm because that would give competitors a significant advantage in future negotiations with Aureon, or to compete against

Aureon in areas where Aureon has less capacity. It is Aureon's understanding that AT&T, Verizon, and Sprint, who have an interest in Aureon's tariff filing, have taken a similar position with respect to their confidential information.

**6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure.**

Aureon has treated the Confidential Information as confidential, and Aureon has not generally disclosed that information publicly. Aureon has afforded such information confidential treatment consistent with the terms of the FCC's *Protective Order*.

**7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.**

Aureon has not made the Confidential Information public. To the extent that such information has been disclosed to third parties, such disclosure has not been made unless it is covered by a confidentiality agreement or protective order.

**8. Justification of the period during which the submitting party asserts that material should not be available for public disclosure.**

The Confidential Information should never be disclosed to the public. Aureon is not submitting confidential information as part of a routine submission to the Commission. Rather, Aureon's Confidential Information is being submitted in compliance with the *Rate Order*. There is no need for the Commission to publicly disclose any confidential information submitted as part Aureon's compliance filing.

Wherefore, for the foregoing reasons, Aureon requests that the Confidential Information submitted with INAD Transmittal No. 38 be treated as confidential, and not be subject to public disclosure.

Respectfully submitted,

/s/ James U. Troup

James U. Troup  
Tony S. Lee

Counsel for Iowa Network Services, Inc.  
d/b/a Aureon Network Services